



City of Loma Linda Official Report

Karen Gaio Hansberger, Mayor
Floyd Petersen, Mayor pro tempore
Robert Christman, Councilmember
Stan Brauer, Councilmember
Robert Ziprick, Councilmember

COUNCIL AGENDA: March 29, 2005

TO: City Council

VIA: Dennis R. Halloway, City Manager

FROM: Pamela Byrnes-O'Camb, City Clerk *pbo*

SUBJECT: Council Bill #O-2005-02 – Amending Municipal Code Chapter 1.20 to provide vacancies in the office of Member of the City Council to be filled by appointment only until a special election can be held to elect a successor

RECOMMENDATION

It is recommended that the City Council

Waive reading of Council Bill #O-2005-02 in its entirety
Direct the Clerk to read by title only
Adopt on roll call vote

BACKGROUND

A vacancy has occurred due to the resignation of Council Member/Mayor Gaio Hansberger, effective April 12, 2005. When a vacancy occurs in an elective office, the City Council shall, within 30 days from the commencement of the vacancy, either fill the vacancy by appointment or call a special election to fill the vacancy. The special election shall be held on the next regularly established election date not less than 114 days from the call of the special election.

The Government Code also provides for the adoption of an ordinance that allows a vacancy to be filled by appointment only until the date of a special election.

If the proposed ordinance is adopted, the appointee would serve approximately one year or less in the appointed position (until the election). If the proposed ordinance is not adopted and an appointment is made, the appointment would be for the remainder of the term of the vacant position; i.e., June 2008.

ANALYSIS

A special election may be called for November 8, 2005 or June 6, 2006 for the election of a candidate to fill the remainder of the 2008 term. In other words, if an appointment were made for a period only until a special election is called, the candidate elected would serve a two-year term; thereafter, the normal four-year rotation would resume.

A November 8, 2005 election requires calling the election by July 4 (no later than June 28 Council Meeting) with the nomination period being July 18 –August 12. The City election would be consolidated with the elections held for school districts. The successful candidate could possibly be seated at the December 13 meeting, subject to receipt of the canvass by the Registrar of Voters Office. It has been the practice of the City Council to forego the second meeting in December due to the Christmas holiday; however, a second meeting could be held to accept the canvass and seat the new member. The successful candidate would serve a two-year term.

A June 6, 2006 election requires calling the election by January 30, 2006 (January 24 City Council Meeting) with the nomination period being February 13 – March 10, 2006. This date would coincide with the next municipal election for City Council Members and would be consolidated with the June Primary, per Loma Linda Municipal Code Chapter 1.20. Seating could occur either July 11 or 25, 2006, depending on receipt of the canvass from the Registrar of Voters Office and the Council summer meeting schedule. The City Council has in the past held only one meeting during the months of July and August, the fourth Tuesday.

In the case of a June 2006 election, two terms would be designated on the ballot: Vote for One for a two-year term and Vote for two for four-year terms. Except for incumbents, candidates would specify term sought.

Consolidating with the June 2006 primary would be less costly than a November 2005 election due to more participants sharing in the overall cost.

ENVIRONMENTAL

Not applicable.

FINANCIAL IMPACT

Approximately \$6,000 -\$10,000

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LOMA LINDA AMENDING CHAPTER 1.20 OF THE LOMA LINDA MUNICIPAL CODE TO PROVIDE THAT A MEMBER OF THE CITY COUNCIL APPOINTED TO FILL A VACANCY SHALL HOLD OFFICE ONLY UNTIL A SPECIAL ELECTION CAN BE HELD TO ELECT A SUCCESSOR, AND ESTABLISHING PROCEDURES RELATED THERETO

Whereas, Government Code § 36512(c)(3) allows the City Council to adopt an ordinance specifying the method of filling vacancies in the office of Member of the City Council and of scheduling a special election related thereto; and

Whereas, Election Code §1000 establishes regular election dates in each year (i.e. second Tuesday of April of each even-numbered year; the first Tuesday after the first Monday in March of each odd-numbered year; the first Tuesday in March of each even-numbered year; the first Tuesday after the first Monday in June of each odd-numbered year; the first Tuesday after the first Monday in November of each year) and §348 says a "Regular election" is an election, the specific time for the holding of which is prescribed by law;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LOMA LINDA DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. Chapter 1.20 of the Loma Linda Municipal Code is hereby amended to add Section 1.20.030 as follows:

1.20.030. City Council Vacancies.

A. Any person appointed to fill a vacancy on the City Council will hold office only until the date of a special election to fill the remainder of the term.

B. The election may be held on the date of the next regularly established election or regularly scheduled municipal election to be held throughout the city not less than 114 days from the call of the special election, subject to the provisions of Section C and D.

C. An election to fill a vacancy which is consolidated with an election conducted by another agency shall be called in sufficient time to meet the nomination period deadlines required when conducting a consolidated election.

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D. An appointment shall not be made to fill a vacancy on a City Council if the appointment would result in a majority of the members serving on the Council having been appointed.

Section 2. That the City Clerk shall certify to the passage and adoption of this ordinance and enter it into the book of original ordinances.

PASSED, APPROVED, AND ADOPTED on the 29th day of March 2005 by the following vote:

Ayes: _____

Noes: _____

Abstain: _____

Absent: _____

Floyd Petersen, Mayor pro tempore

Attest:

Pamela Byrnes-O'Camb, City Clerk